

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

WALEED AL-QARQANI, et al.,

Petitioners,

v.

CHEVRON CORPORATION and CHEVRON
U.S.A. INC.,

Respondents.

Case No. 4:18-cv-03297-JSW

~~PROPOSED~~ ORDER GRANTING
RESPONDENTS' MOTION FOR
ATTORNEYS' FEES AS A
COMPENSATORY SANCTION
PURSUANT TO THE NINTH
CIRCUIT'S ORDER OF JUNE 26,
2023

Judge: Hon. Jeffrey S. White

[PROPOSED] ORDER

As a compensatory sanction, the Ninth Circuit ordered attorney Edward Chung to reimburse Respondents for their attorneys' fees incurred in responding to Mr. Chung's filing of a fabricated newspaper article and subsequent proceedings. Dkt. 186. Pursuant to Circuit Rule 39-1.8, the Ninth Circuit transferred to this Court the determination of the appropriate award of attorneys' fees. *Id.* at 3.

Respondents have submitted attorney declarations and supporting evidence for an award of \$251,313.72 in fees. The Court finds both that Respondents have satisfied their burden of proof to justify the requested fees, and that Respondents' fees are reasonable. *See United States v. \$28,000.00 in U.S. Currency*, 802 F.3d 1100, 1105 (9th Cir. 2015).

The Court further concludes that Respondents are entitled to an award of prejudgment interest based on the prime rate because "awarding Defendants interest based on the prime rate . . . will adequately compensate Defendants for the time value of the money they had tied up in this litigation." *Amphastar Pharms. Inc. v. Aventis Pharma SA*, Case No. 5:09-CV-00023-SHK, 2020 WL 8680070, at *30 (C.D. Cal. Nov. 13, 2020); *see also In re Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1305 (9th Cir. 1994) ("The district court has discretion to compensate delay in payment in one of two ways: (1) by applying the attorneys' current rates to all hours billed during the course of the litigation; or (2) by using the attorneys' historical rates and adding a prime rate enhancement." (citation omitted)). The Court adopts the prejudgment interest calculations set forth in paragraphs 7 to 15 of the Declaration of Anne Champion and awards Respondents an additional \$16,970.13 in prejudgment interest.

Respondents' motion is accordingly **GRANTED**. Mr. Chung shall pay Respondents \$268,283.85, representing \$251,313.72 in fees plus \$16,970.13 in prejudgment interest.

IT IS SO ORDERED.

DATED: October 24 _____, 2023


 Hon. Jeffrey S. White
 United States District Judge